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English
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Letter dated 11 March 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit to you herewith the text of a communication dated 11 March 2004 which I have received from the Director General of the International Atomic Energy Agency (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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Annex

Letter dated 11 March 2004 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General

[Original: English]

I have the honour to refer to the implementation of the Safeguards Agreement between the Socialist People's Libyan Arab Jamahiriya and the International Atomic Energy Agency pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons (the Safeguards Agreement).

You will recall that, on 19 December 2003, the Libyan Arab Jamahiriya announced its voluntary decision to "eliminate materials, equipments and programmes which lead to the production of internationally proscribed weapons", and that, in this connection, on 23 December 2003 the President of the Security Council issued a press statement in which the members of the Council welcomed and encouraged cooperation by the Libyan Arab Jamahiriya with others to ensure the verified elimination of all of its weapons of mass destruction programmes and "looked forward to early implementation of all the commitments made in the [Libyan] announcement including the subjection to urgent international verification".

In December 2003 and in February 2004, I reported to the Agency's Board of Governors on the implementation of the Safeguards Agreement. Following consideration of my reports, on 10 March 2004 the Board adopted a resolution in which it: "Finds, under Article XII.C of the Statute, that the past failures to meet the requirements of the relevant Safeguards Agreement (INFCIRC/282) identified by the Director General constituted non-compliance, and, in accordance with Article XII.C, requests the Director General to report the matter to the Security Council for information purposes only, while commending the Socialist People's Libyan Arab Jamahiriya for the actions it has taken to date, and has agreed to take, to remedy the non-compliance" (para. 4). A copy of the Board's resolution (GOV/2004/18) is attached herewith.

I should be grateful if you would arrange for the distribution of this letter and its attachment to all Council members.

(*Signed*) Mohamed **ElBaradei**

Attachment

[Original: Arabic, Chinese, English, French, Russian and Spanish]

Implementation of the NPT Safeguards Agreement of the Socialist People's Libyan Arab Jamahiriya

Resolution adopted by the Board on 10 March 2004

The Board of Governors,

(a) Applauding the voluntary decision announced by the Socialist People's Libyan Arab Jamahiriya on 19 December 2003 to abandon its programmes for developing weapons of mass destruction and their means of delivery and its request to the Agency to ensure through verification that all of its nuclear activities will henceforth be under safeguards and exclusively for peaceful purposes,

(b) Recognizing this decision of the Socialist People's Libyan Arab Jamahiriya as a step towards the realization of the goal of an Africa and a Middle East free of weapons of mass destruction and at peace,

(c) Noting the Press Statement of 23 December 2003 by the President of the United Nations Security Council in which the members of the Security Council welcomed and encouraged cooperation by the Socialist People's Libyan Arab Jamahiriya with others to ensure the verified elimination of all of its weapons of mass destruction programmes,

(d) Commending the Socialist People's Libyan Arab Jamahiriya for its active cooperation with the Agency since 19 December 2003, and noting with satisfaction that this cooperation has included the granting of unrestricted access to facilities, the provision of prompt responses to Agency questions, and the volunteering of information relevant to the Agency's verification responsibilities,

(e) Welcoming the voluntary decision by the Socialist People's Libyan Arab Jamahiriya to sign the Additional Protocol and to act as if the provisions of that Protocol were in force as of 29 December 2003, as well as the Board's approval of the Protocol for signature,

(f) Noting with appreciation the Director General's report of 22 December 2003 (GOV/2003/82) on the implementation of safeguards in the Socialist People's Libyan Arab Jamahiriya pursuant to its Safeguards Agreement (INFCIRC/282), which entered into force on 8 July 1980, as well as his report of 20 February 2004 (GOV/2004/12) on the same subject,

(g) Noting with concern that the second of these reports brought to light that, in the past, over an extended period of time, the Socialist People's Libyan Arab Jamahiriya was in breach of its obligation to comply with the provisions of its Safeguards Agreement, and that it acquired nuclear weapons design and fabrication documents,

(h) Welcoming the Agency's work since 19 December 2003 to verify the Socialist People's Libyan Arab Jamahiriya's declarations and the elimination of all weapons-related materials, equipment, and programmes, and to define necessary corrective actions,

(i) Also noting the work undertaken by the United Kingdom and the United States of America, at the request of the Socialist People's Libyan Arab Jamahiriya and in cooperation with the Agency, to dismantle and eliminate weapons-related materials, equipment and programmes, and

(j) Taking into account the indications reported by the Director General of clandestine foreign supply of nuclear material, sensitive equipment and technology, and documents related to enrichment and the design and fabrication of nuclear weapons to the Socialist People's Libyan Arab Jamahiriya in support of the activities it has now renounced and abandoned,

1. Welcomes the voluntary decision of the Socialist People's Libyan Arab Jamahiriya to eliminate materials, equipment and programmes leading to the production of nuclear weapons in a manner verifiable by the Agency, as this will strengthen regional and global security and stability;

2. Appreciates the active cooperation and openness that has been provided since 19 December 2003 by the Socialist People's Libyan Arab Jamahiriya to facilitate the elimination of weapons-related materials, equipment and programmes and the Agency's verification work;

3. Recalls with satisfaction the approval of the Socialist People's Libyan Arab Jamahiriya's Additional Protocol, looks forward to that Protocol's early entry into force, and commends the decision to act as if the Protocol were in force as of 29 December 2003;

4. Finds, under Article XII.C of the Statute, that the past failures to meet the requirements of the relevant Safeguards Agreement (INFCIRC/282), identified by the Director General constituted non-compliance, and, in accordance with Article XII.C, requests the Director General to report the matter to the Security Council for information purposes only, while commending the Socialist People's Libyan Arab Jamahiriya for the actions it has taken to date, and has agreed to take, to remedy the non-compliance;

5. Commends the Director General and Secretariat for the work they have undertaken since 19 December 2003 in cooperation with the Socialist People's Libyan Arab Jamahiriya and looks forward to receiving a further report from the Director General at its June 2004 meeting, or earlier as appropriate, and thereafter when the Secretariat has formed a complete and coherent understanding of past and present nuclear activities in the Socialist People's Libyan Arab Jamahiriya and can verify the completeness and correctness of its declarations with the goal that the matter will then be resolved and concluded by the Board;

6. Requests the Socialist People's Libyan Arab Jamahiriya to provide continuing cooperation and full disclosure to facilitate the Agency's completion of all its mandated tasks;

7. Welcomes the verification activities undertaken by the Agency pursuant to the Socialist People's Libyan Arab Jamahiriya's Safeguards Agreement, including the Agency's work to verify declarations and to define the necessary corrective actions, and also welcomes the steps taken to date by the Socialist People's Libyan Arab Jamahiriya to dismantle and eliminate weapons-related materials, equipment and programmes; and

8. Urges all third countries to cooperate closely and fully with the Agency in the clarification of open questions on which it may request their assistance, while appreciating such cooperation as may already have been extended.